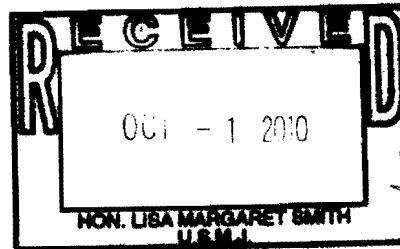


September 27, 2010

BY US MAIL

United States District Court
Southern District of New York
Hon. Lisa Margaret Smith
United States Magistrate Judge
300 Quarropas Street
White Plains, New York 10601



R.E. Donald Roth v. United States
10 Civ. 8712, 02 Cr. 1503 (7) (SCR) (LMS)

Dear Judge Smith,

Please treat this letter as a supplement to the previously filed letter-motion of August 2, 2010 seeking copies of the testimony of and transcripts from the government's key-witness in this action, Charles "Flip" Melvin, in his Orange County New York murder trial.

In my August 2, 2010 letter-motion I set forth for the Court the materiality of Melvin's Orange County, New York murder jury trial testimony, as it relates to the sole allegation of this petition, government misconduct with Melvin.

I was advised today by Orange County Times Herald reporter Heather Yakin, by telephone that at Melvin's trial the following events took place which relate directly to my contention that the government engaged in, and continues to do so, a pattern of misconduct as it relates to Melvin.

1. Orange County Assistant District Attorney David Byrne, who prosecuted Melvin in the 2010 Orange County murder case, which Melvin won a full acquittal from on jury verdict, attempted to or did use Melvin's testimony in this action in December 2003 as impeachment material, calling Melvin's testimony in this action in December 2003 incredible and that he was not trustworthy. Byrne testified in this action and worked extensively with Melvin and ATF Agent Boss and Newburgh City Police Department Detective Bruce "Donald" Campbell in prosecuting state actions prior to Melvin working with the government;

2. ATF&E Agent Andrew Boss, the lead case-agent in this action, testified in Melvin's 2010 murder trial for the State of New York. He purportedly stated that when Melvin was arrested by the New York City Police Department's Fugitive Task Force on 11/09/09 for the 11/02/09 Newburgh murder, Melvin's first telephone call was to Boss. That Boss drove to the NYPD police lock-up on or about 11/09/09 and personally transported Melvin, alone, to the Orange County Jail. Boss was not assigned to the Newburgh murder case and was not working with ADA Byrne on that murder case, at that time. I alleged in my November 2009 Amended S2255 petition that I was advised by a fellow inmate, Richard Chavers, from Newburgh, New York , that Melvin told the NYPD arresting officers, on 11/09/09 that Boss and Campbell must asisst him in gaining favorable treatment in the murder action or he would expose Boss, Campbell and others for misconduct and eliciting perjurious testimony in this action as it relates to Melvin's participation and my allegations.

Defended letter motion, Motion denied. The Court is
cabinet. Cause the government to supply & material. Not in its

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I respectfully request that you direct the government to provide me with, or the Orange County Court Reporters transcripts from Melvin's State of New York, August 2010 murder trial, as it relates to the allegations set forth above;

and for the government to provide me with copies of all records and documents which relate to the allegations set forth above.

Respectfully,

By: FCI Sandstone
Donald Roth, 83933-054 K1
POB 1000
Sandstone, MN 55072

Encl.